

S.R. 21 - By Senator Mauzy: Extending welcome to Chief Justice Claude Williams.

S.R. 22 - By Senator Mauzy: Extending welcome to Judge James F. McCarthy.

MEMORIAL RESOLUTIONS

S.C.R. 10 - By Senator Brooks: Memorial resolution for Hobart Taylor.

S.R. 15 - By Senator Aikin: Memorial resolution for Robert E. West.

S.R. 18 - By Senator Snelson: Memorial resolution for Mrs. Edna Ross Johnson.

S.R. 19 - By Senator Snelson: Memorial resolution for Mrs. Lewis C. (Sarah) Link.

S.R. 20 - By Senator Snelson: Memorial resolution for George Victor "Vic" Montgomery.

ADJOURNMENT

On motion of Senator Aikin the Senate at 10:52 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

EIGHTH DAY

(Tuesday, January 23, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senator was absent-excused: Creighton.

A quorum was announced present.

The Reverend Reginal King, Tarrytown Baptist Church, Austin, Texas, offered the invocation as follows:

Our Father, the peoples of this globe mourn the death of a world statesman. They recognize the loss of a man whose life has affected the lives of the little people of all nations. Diplomats, Prime Ministers and Kings have expressed their grief in appropriate words, but the magnitude of the loss of Lyndon Johnson is felt more keenly here in central Texas than in anywhere else on earth. The world has lost a statesman, America does weep for a President, Texas mourns for its favorite son, but we grieve for a personal friend.

Father, we know now that the untimely death of Lyndon Johnson did not

allow him to see the peace in Southeast Asia which he sought, but the peace he now knows exceeds anything he longed to achieve. We thank you for the far-sighted programs in education, civil rights and foreign affairs that came from the administration of Lyndon Johnson. Yet, we here in his native state, continue to love the land he loved and long as he did to share the big country of this great land. We have experienced the warmth of good people, and now we shoulder together the hurt of our grief.

Lord, it is never wrong for a man to shed some tears because of a deep ache in his heart. But would you shelter and hold the trembling hands of Mrs. Johnson during these days of numbing blackness. Cradle two young women who will never be caressed again by a loving father. May we who have not been struck so hard lend our strength to those who are left alone.

Dear God, many of us listened a few hours ago to the refrains of a moving song. It is appropriate now to repeat that plea and ask, "God Bless America." May we see the glory of a united people treading where other saints have trod and may the truth that makes men free forever march through us to the ends of the earth as we seek to be faithful to the legacy that has been placed on our shoulders by the loss of our President, our fellow Texan and our friend.

It is in the name of our Lord we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator McKnight.

SENATE CONCURRENT RESOLUTION 14

Senator Herring offered the following resolution:

WHEREAS, Final respects will be paid to former President Lyndon B. Johnson on Thursday, January 25, a sorrowful occasion in which all Texans will wish to join; and

WHEREAS, The former President's illustrious career provided great inspiration and example to all persons engaged in public service, particularly our government employees at the state level; now therefore be it

RESOLVED, That the Senate of the 63rd Legislature, the House of Representatives concurring, request the Governor to declare Thursday, January 25, a Day of Mourning in state government, and close state offices, agencies and departments as an appropriate tribute to our beloved 36th President.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

REPORT OF STANDING COMMITTEE

Senator Moore submitted the following report for the Committee on State Affairs:

C.S.S.C.R. 1 (Read first time)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Ogg:

S.B. 38, A bill to be entitled An Act relating to certain penalties for certain narcotic offenses; amending Section 23, Subsection (b), Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Jurisprudence.

By Senators Ogg, Longoria and Santiesteban:

S.B. 39, A bill to be entitled An Act relating to the creation, powers, and duties of the Texas Commission on Equal Opportunity Employment; and declaring an emergency.

To Committee on Human Resources.

By Senator Ogg:

S.B. 40, A bill to be entitled An Act relating to the joinder and severance of offenses in an indictment, information, or complaint and to the verdict when offenses are joined; amending the Code of Criminal Procedure, 1965, by amending Articles 21.24 and 36.10, and Section 1, Article 37.07, as amended, and by adding Article 36.091; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

S.B. 41, A bill to be entitled An Act relating to the qualifications for taking the examination for admission to the State Bar of Texas; amending Article 306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 2, Chapter 3, page 68, General Laws, Acts of the 46th Legislature, 1939, as amended (Article 306a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks:

S.B. 42, A bill to be entitled An Act relating to the composition of the State Board of Health; increasing the number of members on the Board and designating the qualifications of the members; amending Section 2, Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 4415a, Vernon's Texas Civil Statutes); amending Section 4, Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 4417a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senators Brooks, Mengden, Gammage, Wallace and Schwartz:

S.B. 43, A bill to be entitled An Act to authorize and require certain cities to recognize the association chosen by a majority of the fire fighters employed by any such city as their representative for the purpose of mutual consultation on the subjects of wages, hours and other conditions of employment of such fire fighters; to authorize and require any such city to engage in mutual consultation with such representative on the subjects of wages, hours and other conditions of employment; to provide procedures for the commencement and standards for the conduct of consultations; to authorize and require such city and such representative of fire fighters to reduce to signed, written contract any agreement which may be reached on such subjects; to provide for and require arbitration as the appropriate procedure to resolve any impasse which may be reached during mutual consultation; to provide procedures for commencement and standards for the conduct of arbitration; to require compliance with contracts and awards in arbitration under the Act; to prohibit strikes of such fire fighters; to provide for judicial enforcement of the Act; to make related provisions designed to effectuate the purposes of the Act; to provide for a declaration of policy, liberal construction, definitions of certain terms, severability, precedence over contrary clauses, and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Jones:

S.B. 44, A bill to be entitled An Act relating to the issuance by the Texas Animal Health Commission of permits to take animals and birds by the use of aircraft and providing certain powers and duties to the Texas Animal Health Commission; providing penalties; and declaring an emergency.

To Committee on Natural Resources.

By Senator Mauzy:

S.B. 45, A bill to be entitled An Act providing for a duty-free lunch period for teachers actively engaged in the instruction of public school children, providing funds in the Minimum Foundation Program from implementation of the duty-free lunch period, providing that the duty-free lunch period shall not result in a lengthened school day, and declaring an emergency.

To Committee on Education.

By Senator Mauzy:

S.B. 46, A bill to be entitled An Act providing Educational Secretaries and Instructional-Administrative Officers as additional positions under the Minimum Foundation Program; providing a formula for the allocation of such units; providing for certification; providing a salary schedule; providing a severability clause; and declaring an emergency.

To Committee on Education.

By Senator Mauzy:

S.B. 47, A bill to be entitled An Act defining certain words and terms as used herein; requiring that school districts of this state, as herein defined, employ teachers by probationary-status contract or by professional-status renewable-term contract as herein defined, under the circumstances and procedures and with the terms, provisions, and consequences herein prescribed; prescribing the causes for which and procedures by which holders of such contracts may be discharged during the contract year, and the reasons for which and procedures by which persons holding such contracts may be dismissed or their contractual status changed at the end of a contract year; providing for review of orders discharging, dismissing, or changing the contract status of persons holding such contracts; providing teachers discharged or dismissed shall upon written request be entitled to copies of certain reports concerning fitness or conduct of such teachers; stating the conditions under which persons holding such contracts may resign, and the penalties for failure of such persons to resign or be released from and failure to perform such contracts; making this Act cumulative of existing laws relating to rights and privileges granted under the provisions of this Act; providing a saving clause; and declaring an emergency.

To Committee on Education.

By Senator Mauzy:

S.B. 48, A bill to be entitled An Act providing that Boards of trustees consult with representatives of teachers and auxiliary personnel employed in a school district under certain conditions; providing certain procedures to be followed in consultations between boards of trustees and representatives of teachers and auxiliary personnel; providing means for representation in consultations for boards of trustees, teachers and auxiliary personnel; providing that superintendents of schools consult with a representative of administrators employed in the school district under certain conditions; providing certain procedures to be followed in consultations between superintendents of schools and representatives of administrators; providing means for representation for administrators in consultations with superintendents of schools; providing a method for administrators to have certain matters considered by boards of trustees; providing certain persons with the right to be heard by boards of trustees; providing that this Act in no way diminish the powers of principals,

superintendents, or boards of trustees; defining certain terms; repealing a certain section of the Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Sherman:

S.B. 49, A bill to be entitled An Act relating to the membership and election of the board of directors of the Donley County Hospital District; amending Subsections (c) and (d), Section 3, Chapter 699, Acts of the 61st Legislature, Regular Session, 1969; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Mauzy, Clower, Harris and Braecklein:

S.B. 50, A bill to be entitled An Act creating a Court of Domestic Relations No. 4, of Dallas County, Texas; prescribing the jurisdiction thereof; providing for the qualification, duties, compensation, and powers of the judge of said court; providing for the appointment, qualifications, duties and compensation of the official court reporter of said court; providing for the appointment, designation, and compensation of other officers of said court; providing other provisions relative to the business and functioning of said court; providing a severability clause; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Mauzy, Clower, Harris and Braecklein:

S.B. 51, A bill to be entitled An Act creating County Criminal Court No. 4 of Dallas County, Texas, providing the term and the jurisdiction of said court; providing the powers, duties, terms of office and compensation of the judges of said court; providing for the appointment of official court reporters of said court; prescribing the qualifications, duties, and compensation of the official court reporters of said court; providing for the appointment, designation, and compensation of other officers of said court; providing other provisions relative to the business and functioning of said court; providing a severability clause and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Mauzy, Clower, Harris and Braecklein:

S.B. 52, A bill to be entitled An Act amending the Judicial Districts Act of 1969, Chapter 23, Acts of the 61st Legislature, 2nd Called Session, 1969, by adding two (2) new sections to Subchapter C and creating the 199th and 200th Judicial Districts composed of Dallas County, with each of said courts giving preference to criminal cases; providing severability; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Mauzy, Harris, Braecklein and Clower:

S.B. 53, A bill to be entitled An Act providing for the administration of family law by replacing all functioning domestic relations courts and the juvenile courts of Dallas and Harris Counties with district courts of general jurisdiction, to be called family district courts; providing for these courts' jurisdiction, terms, personnel, facilities, and administration; restructuring existing juvenile boards in certain counties and providing for the future creation and organization of juvenile boards in other counties; repealing the laws creating and providing for the replaced courts; repealing the laws providing for creation of domestic relations courts in Lubbock and Starr Counties; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Mauzy and Clower:

S.B. 54, A bill to be entitled An Act relating to authorizing and regulating group marketing of motor vehicle insurance; amending Chapter 21, Insurance Code, by adding Article 21.76; amending Section 20, Article 21.14,

Insurance Code; and declaring an emergency.
To Committee on Economic Development.

By Senators Blanchard and Harris:

S.B. 55, A bill to be entitled An Act relating to continuances in court cases when a party or attorney is a member of the legislature; amending Section 1, Chapter 7, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 2168a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Aikin:

S.B. 56, A bill to be entitled An Act relating to the operation of public schools on a quarter system, amending Section 16.862 of the Texas Education Code, and declaring an emergency.

To Committee on Education.

By Senators Schwartz, Wallace, Mauzy, Santiesteban and Hightower:

S.B. 57, A bill to be entitled An Act relating to the authority of an insurer to disclaim coverage under a policy of liability insurance for failure of the insured to forward the citation and petition or complaint giving notice of a suit against the insured; amending the Texas Insurance Code, as amended, by adding Article 5.06-6; and declaring an emergency.

To Committee on Economic Development.

By Senators Brooks, Gammage, Wallace, Mauzy, Moore and Hightower:

S.B. 58, A bill to be entitled An Act relating to rejection of and claims and suits under uninsured motorist coverage; amending Subdivision (1) of and adding Subdivision (4) to Article 5.06-1, Texas Insurance Code; and declaring an emergency.

To Committee on Economic Development.

By Senators Brooks, Gammage, Wallace, Mauzy, Moore and Hightower:

S.B. 59, A bill to be entitled An Act relating to the establishment in the state treasury of an uninsured motorist fund to be composed of fees required of uninsured motorists upon vehicle registration; relating to the allocation of the fund for administrative expenses and to private insurers for reduction in the cost of uninsured motorist insurance coverage; prescribing certain offenses and setting penalties; relating to uninsured motorist insurance coverage; amending the Texas Insurance Code by adding Article 5.06-5 and amending Article 5.06-1; amending Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Articles 6675a-1 et seq., Vernon's Texas Civil Statutes), by adding Section 11a; and declaring an emergency.

To Committee on Economic Development.

By Senators Ogg, Longoria, Patman, Blanchard, Andujar, Harrington, Clower, Wolff and McKnight:

S.B. 60, A bill to be entitled An Act relating to days designated as legal holidays; amending Article 4591, Revised Civil Statutes of Texas, 1925, as amended; amending Sections 1 and 2, Chapter 230, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 342-910a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Moore:

S.C.R. 11, Granting permission to T. F. Jenkins, et al., to sue the State of Texas.

To Committee on Jurisprudence.

By Senator Schwartz:

S.C.R. 15, Adopting the Joint Rules of the 63rd Legislature.

To Committee on Administration.

By Senators Gammage, Brooks and Wallace:

S.J.R. 8, Proposing an amendment to Article III, Sections 5 and 24, of the Texas Constitution, as amended, to provide for annual regular sessions of the legislature of unlimited duration without separate periods, and to provide an annual salary and per diem for the members of the legislature.

To Committee on State Affairs.

SENATE CONCURRENT RESOLUTION 12

Senator Clower offered the following resolution:

S.C.R. No. 12, Providing for the appointment of a committee to arrange for the planting of a Jim Hogg pecan tree in honor of America's prisoners of war and those missing in action.

**CLOWER
HERRING**

On motion of Senator Snelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Clower, the resolution was adopted.

COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 12, the President announced the appointment of the following Committee: Senators Clower and Herring.

MESSAGE FROM GOVERNOR

The following message from the Governor was read and referred to the Committee indicated:

Austin, Texas
January 22, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Presiding Judge of the 2nd Administrative Judicial District of Texas: For a four-year term to expire December 31, 1976: The Honorable Max Rogers of Huntsville, Walker County, to replace The Honorable James F. Warren, of Huntsville, Walker County, who resigned.

To be Associate Justice of the Fourteenth Court of Civil Appeals, 14th Judicial District of Texas until the next general election and until his successor shall be duly elected and qualified: To fill the unexpired term of The Honorable John M. Barron of Houston, Harris County, who resigned: The Honorable Curtiss Brown of Houston, Harris County.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Jurisprudence.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, January 23, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 3, Adopting the Joint Rules of the 63rd Legislature, as amended.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

EXECUTIVE SESSION DISPENSED WITH

The Chairman of the Senate Nominations Committee, Senator McKinnon, moved at 10:47 o'clock a.m. that Senate Rule 41 be suspended in order to consider the confirmation of Mark White to be Secretary of State in open session.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Adams, Blanchard, Jones, Mengden, Snelson and Traeger.

Absent-excused: Creighton.

Senator McKinnon then submitted the following report for the Sub-Committee on Nominations:

REPORT OF STANDING COMMITTEE

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

We, your Sub-Committee on Nominations, to which was referred the attached appointment, have had same under consideration and beg to report it back to the Senate with the recommendation that he be confirmed.

McKinnon, Chairman

Senator McKinnon then moved that the nominee be confirmed.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 3, To Committee on Administration.

RECESS

On motion of Senator Aikin the Senate at 11:05 o'clock a.m. took recess until 12:30 o'clock p.m. today.

After Recess

The Senate met at 12:30 o'clock p.m. today and was called to order by the President Pro Tempore.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, January 23, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 14. Declaring January 25 a Day of Mourning.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MOTION TO ADJOURN

Senator Aikin moved that the Senate stand adjourned at the conclusion of the Joint Service at the LBJ Library until 10:30 o'clock a.m. tomorrow.

JOINT SERVICE
(In Memory of Former
President Lyndon Baines Johnson)

The Senate and House of Representatives met at 1:00 o'clock p.m. at the LBJ Library for the Joint Memorial Service for Former President Lyndon Baines Johnson.

The Honorable Dolph Briscoe, Governor of Texas; accompanied by the President of the Senate, The Honorable William P. Hobby; and the Speaker of the House, The Honorable Price Daniel, Jr., laid a wreath on behalf of The State of Texas.

MEMORIAL RESOLUTIONS

S.R. 23 - By Senator Adams: Memorial resolution for Louis R. Renfrow.

S.R. 24 - By Senator Snelson: Memorial resolution for Mrs. H. D. Allison.

S.R. 25 - By Senator Snelson: Memorial resolution for Mrs. Dan F. Lehmberg.

S.R. 26 - By Senator Snelson: Memorial resolution for Mario Morales.

ADJOURNMENT

The President declared the Senate at 1:25 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow in accordance with a motion previously adopted by the Senate.

In Memory of

Former President Lyndon Baines Johnson

Senator Herring offered the following resolution:

(Senate Concurrent Resolution 13)

WHEREAS, Texans are joined today in profoundest grief over the loss of their beloved and greatly admired fellow citizen, former President Lyndon Baines Johnson, whose death came with stunning impact on the moods and thoughts of persons in all walks of life; and

WHEREAS, His sudden passing is all the more deeply felt in his home state because it has cut short the hopes of his Texas "home folks" that this great and good man might spend many more happy and peaceful years among his own people, enjoying the freedom and openness of his cherished Hill Country and the warm understanding of countless hearts; and

WHEREAS, Texas people, regardless of political party or degree of independence, are united in honoring historic achievements wrought by Lyndon Baines Johnson in those many areas closest to the people - education, human rights, job opportunities, housing, even so simple and useful a thing as electric lights in a country farm house; and

WHEREAS, Texas people are united, too, in honoring the courage and tenacity of the man's fighting heart, the qualities which made him, in President Richard Nixon's phrase spoken at the dedication of the Lyndon B. Johnson Library in Austin, "a partisan of principle"; and

WHEREAS, Just as all Texas was a part of this great man's story during his illustrious lifetime, so now all Texas is a part of the death and sorrow encompassing the end of that life, and every person must feel a share of the sad burden devolving on Mrs. Johnson, her daughters and other members of the family; now, therefore, be it

RESOLVED, That the Legislature of the State of Texas express deepest grief on behalf of all the citizens of Texas on the loss of this state's most distinguished man in public life, former President Lyndon Baines Johnson, and convey to Mrs. Johnson and members of the family the sympathy of all citizens; and, be it further

RESOLVED, That when the Legislature adjourns today it do so in memory of Lyndon Baines Johnson, 36th President of the United States and only Texan to hold that highest office within the gift of the American people; and, be it further

RESOLVED, That a page in the Senate Journal be set aside for the recording of this resolution.

HERRING
SNELSON

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring, the resolution was adopted by a rising vote of the Senate.